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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,422	08/21/2003	Takao Yamaguchi	MDA-3184US1	8868
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RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			EXAMINER PATEL, CHANDRAHAS B	
			ART UNIT	PAPER NUMBER
			2616	
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			08/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/645,422

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Chandrabhas Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 3-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,41 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/491,124.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

Examiner is grateful to applicant for describing reference characters 311-313 of Fig. 19, hence withdraws objections to drawings.

Examiner is grateful to applicant for amending abstract to a single paragraph that contains less than 150 words, hence withdraws objection to abstract.

Examiner is grateful to applicant for defining “communication price” in claim 1, hence withdraws rejection to claim 1 under 35 U.S.C. 112. Claims 5, 9, 17-19 are cancelled by applicant.

The amendments made to claims necessities the finality of this rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sawyer (USPN 5,828,737).

Regarding claim 1, Sawyer teaches a data relay processing method [**Abstract**] comprising the steps of, sending pieces of information from a plurality of respective terminals [**Fig. 1, 16**], including a piece of information on a schedule of usage of a transmission band [**Col. 3, lines 63-67 – Col. 4, lines, 1-2**], another piece of information of a schedule of the transmission band which is available to be assigned [**Col. 3, lines 37-41**], another piece of information on a

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schedule of a term where the transmission band is available to be partially assigned or partially exchanged [Col. 3, lines 56-61], and another piece of information on a communication price that is charged to the respective terminals in exchange for the usage of the transmission band when the transmission band is partially assigned or partially exchanged [Col. 4, lines 51-63, in Col. 4, lines 11-28 reference explains why duration based charging is not done and rather charging is done on amount of bandwidth used by the device], and holding each respective schedule of each respective terminal; based on the schedule of usage, the schedule of transmission band, the schedule of term, and the necessary communication price partially reserving or partially assigning the transmission band between the respective terminals [Fig. 1, 40, 42, 46, 44 hold information for each terminal as described in Col. 5, lines 6-28].

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 2, 41, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawyer (USPN 5,828,737) in view of Iwata (USPN 5,933,425).

Regarding claim 2, Sawyer teaches a method as discussed in rejection of claim 1.

However, Sawyer does not teach based on history information of the past processing record with respect to processes of partially assigning or partially exchanging of the transmission band between respective terminals and based on information with respect to transmission band, the transmission band is partially assigned or partially exchanged.

Iwata teaches based on history information of the past processing record with respect to processes of partially assigning or partially exchanging of the transmission band between

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respective terminals and based on information with respect to transmission band, the transmission band is partially assigned or partially exchanged [Col. 5, lines 38-59, Path A-C-D-E is selected where needed transmission band is only 20 Mbps and A-C is at 50 Mbps, D-E and C-D are at 25 Mbps therefore using only 20 Mbps will partially use the bandwidth of links A-C, C-D and D-E].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to assign transmission band based on history information so that specified QOS parameter can be satisfied [Col. 5, lines 23-29].

Regarding claim 41, Sawyer teaches a method as discussed in rejection of claim 1.

However, Sawyer does not teach the information sent from each terminal is stored in respective terminals; and the transmission band available to be assigned, defined by the piece of information from one terminal on a schedule of the transmission band which is available to be assigned, is assigned to or exchanged with an other terminal based on the information stored in respective terminals, thereby connecting the one terminal and the other terminal to a server.

Iwata teaches the information sent from each terminal is stored in respective terminals; and the transmission band available to be assigned, defined by the piece of information from one terminal on a schedule of the transmission band which is available to be assigned, is assigned to or exchanged with an other terminal based on the information stored in respective terminals, thereby connecting the one terminal and the other terminal to a server [Col. 1, lines 50-65].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to store information in each terminal and assign transmission band based on

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information stored in the terminal so that user-specified QOS can be met with short connections establishment delay [Col. 1, lines 43-46].

Regarding claim 42, Sawyer teaches a method as discussed in rejection of claim 1.

However, Sawyer does not teach the information sent from each terminal is stored in respective terminals; during the term defined by the piece of information from one terminal on a schedule of a term where a transmission band is available to be assigned or exchanged, the transmission band available to be assigned, defined by the piece of information from the one terminal on a schedule of the transmission band which is available to be assigned, is assigned to or exchanged with an other terminal based on the information stored in respective terminals, thereby connecting the one terminal and the other terminal to a server during the term defined by the piece of information of the one terminal on the schedule of the term where the transmission band is available to be assigned or exchanged.

Iwata teaches the information sent from each terminal is stored in respective terminals; during the term defined by the piece of information from one terminal on a schedule of a term where a transmission band is available to be assigned or exchanged, the transmission band available to be assigned, defined by the piece of information from the one terminal on a schedule of the transmission band which is available to be assigned, is assigned to or exchanged with an other terminal based on the information stored in respective terminals, thereby connecting the one terminal and the other terminal to a server during the term defined by the piece of information of the one terminal on the schedule of the term where the transmission band is available to be assigned or exchanged [Col. 1, lines 50-65].

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to store information in each terminal and assign transmission band based on information stored in the terminal so that user-specified QOS can be met with short connections establishment delay [Col. 1, lines 43-46].

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrahas Patel whose telephone number is 571-270-1211. The examiner can normally be reached on Monday through Thursday 7:30 to 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CBP


RICKY Q. NGO
SUPERVISORY PATENT EXAMINER